

NOTICE REQUIREMENTS

For each application for a public hearing before the Planning Commission, City Council, or the Board of Zoning Appeals (for example, for a special use permit, a certificate of appropriateness, an encroachment, a variance or subdivision approval), the law requires that notice is given so that people interested or affected by the application have a chance to express their views about it. **If incorrect notice is given, the request cannot be heard and must be deferred.** Three types of notice are required:

- The City publishes notice in the newspaper prior to the hearing.
- The City also posts the property with a sign prior to the hearing.
- The third type of notice is "written notice" and must be provided by the applicant.

How to provide written notice:

What is written notice?

Written notice is a letter sent to the owners of those properties that abut the property that is the subject of the application. The notice describes the application before the City and gives the dates when public hearings on the application will take place.

What form should I use for the written notice?

Using the attached form called "Notice of Public Hearing," fill in the blank spaces for the dates of the public hearings, the issue description, the property address and tax map number. Prior to mailing, date the form, sign it, and indicate your telephone number in the appropriate place so that people who receive the notice have someone to call with questions.

The issue description part of the notice form is very important. At the time you submit your application, you must provide a draft of the description of your request you intend to use in the notice form. You must be thorough in your description. Staff will review the draft wording to confirm its completeness. The following example illustrates a detailed description:

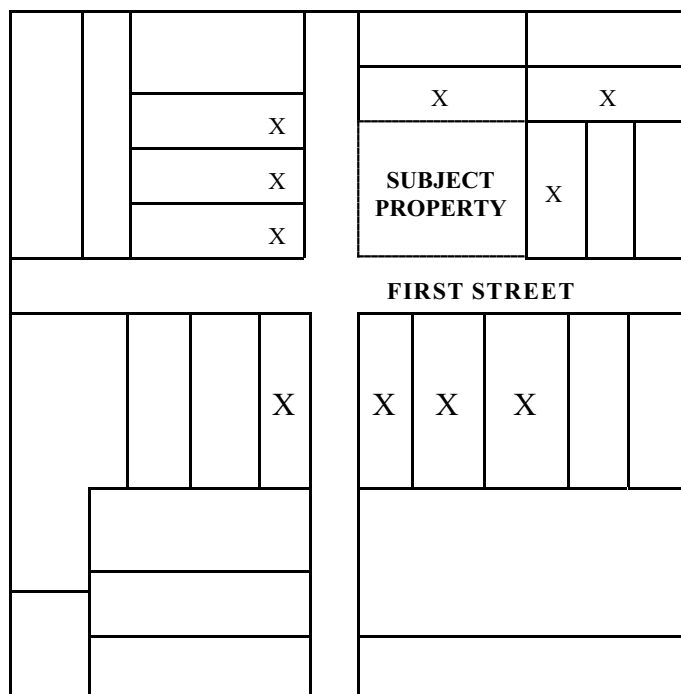
Request to operate a full service restaurant with carry-out and delivery service. Seating will be offered for 40 patrons. The hours of operation proposed are 7:00 AM to 12:00 Midnight, seven days a week. Live entertainment will be provided. A parking reduction of six spaces is requested.

If you fail to submit draft language at the time of the application filing deadline, the application will be deemed incomplete and may be deferred by staff.

To whom must I send written notice?

Written notice must be sent to the owner of the property if the applicant is not the owner. In addition, written notice must be sent to the owner of each abutting property. An abutting property is one that touches the property in question as well as any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

Below is a sample sketch showing a hypothetical subject property and the property owners required by law to be notified. This is a sample only and is not to be used as a final authority when sending notice. If in doubt, it is advisable to provide notice to additional properties.



**X = PROPERTY OWNERS
TO BE NOTIFIED**

How do I determine the abutting properties?

Consult the tax maps in the Department of Planning and Zoning to determine the correct map, block and lot numbers of the abutting properties. Use that information to fill out the appropriate spaces on the attached form called "Property Owners List."

How do I find the name and address of the owners of those properties?

Visit the Office of Real Estate Assessments on the second floor of City Hall, Room 2600, and look up the correct name and address of the property owner of each parcel you have listed on the Property Owners List in the official city records. Fill in that information on the same form under "Abutting Property Owner's Name and Mailing Address".

What do I do in the case of a condominium property?

Legal notice to an abutting property that is in condominium ownership may be provided in only one of two ways:

- by sending notice to each and every condominium unit owner; or
- by sending notice to the president of the association of condominium owners.

In order to find out the proper name and address of the unit owners, you may use the records of the Office of Real Estate Assessments, as you would for any other owner of property. These records will provide the official name and address of each property owner. If you choose to avoid notice to each individual owner and wish to send notice to the condominium association president instead, then you must use other means to determine the correct name and address of the president. You may consult with the city's Department of Citizen Assistance for the name and address of the association president, but should also call the condominium or otherwise research and confirm the information yourself.

How must the notice be mailed?

A copy of the Notice of Public Hearing form must be mailed to each property owner listed on the Property Owners List (plus the owner of the property, if the applicant is not the owner). The notices must be sent by certified or registered mail from the post office. Save the stamped receipts from the post office and a copy of the notice letter. Do not ask the post office to send the notices by restricted delivery or return receipt requested.

When must the notice be sent?

The notices must be sent to abutting property owners at least 10 days and not more than 30 days prior to the public hearing. Planning staff has a schedule with the correct dates for mailing notice prior to each public hearing. Consult them for assistance.

What documents must be submitted to show that I sent notice correctly?

After you have sent the notice letters, the following documents must be submitted to the Department of Planning and Zoning:

- The attached Certification of Notice form, correctly filled out. This form tells the City that you have sent the appropriate form to the correct list of owners and that you have sent it at the right time. You must sign this form.
- A copy of the Notice of Public Hearing form that you sent to property owners.
- A copy of the Property Owners List, filled in with the names and addresses of the properties to whom you have sent notice.
- Copies of the certified or registered mail receipts from the post office. The receipts must be stamped by the post office. (For BAR cases, this item is not necessary.)

When must the above documents be submitted?

The above documents must be submitted to the Department of Planning and Zoning by 5:00 PM of the fifth day prior to the first public hearing on the application.

Who can help me complete the notice process correctly?

If you have any questions about the notice process, staff in the Department of Planning and Zoning can assist you.

If you fail to send correct legal notice as described above, the application will not be heard as scheduled. It will have to be deferred to the next scheduled hearing date so that proper notice can be sent. If it is heard, the improper notice may affect the validity of the hearing.

CERTIFICATION OF NOTICE

- ☐ BOARD OF ZONING APPEALS
- ☐ DEVELOPMENT SPECIAL USE PERMIT
- ☐ SPECIAL USE PERMIT
- ☐ VACATION OF RIGHT-OF-WAY
- ☐ ENCROACHMENT INTO RIGHT-OF-WAY
- ☐ MASTER PLAN AMENDMENT
- ☐ REZONING REQUEST
- ☐ SUBDIVISION
- ☐ Other _____

TO: DIRECTOR OF PLANNING & ZONING
CITY OF ALEXANDRIA, VIRGINIA

Article XI, Section 11-301(A)(3), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia states:

At least five days prior to the hearing the applicant shall supply the director with:

- (a) a copy of the notice letter sent,
- (b) a copy of the list of the names and addresses of those persons to whom notice was sent,
- (c) a copy of the post office receipts for the certified or registered mail,
- (d) a certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.

THE UNDERSIGNED HEREBY CERTIFIES that the notice to adjoining property owners (copy attached), as required pursuant to Article XI, Section 11-301(A) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia, was sent to the attached list of property owners concerning the following issue on _____ (*mailing date*).

PROPERTY ADDRESS:

ISSUE DESCRIPTION:

print name

signature

telephone

date

Required Attachments:

- (a) a copy of the notice letter sent,
- (b) a copy of the list of the names and addresses of those persons to whom notice was sent, and
- (c) a copy of the post office receipts for the certified or registered mail.

PROPERTY OWNERS LIST

SUBJECT PROPERTY ADDRESS	MAP	BLOCK	LOT
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[illegible]

NOTICE OF PUBLIC HEARINGS

Certified Mail

Date: _____

Dear Property Owner:

You are hereby notified of the following public hearings to be held by the Alexandria Planning Commission and the Alexandria City Council on the issue described below:

ALEXANDRIA PLANNING COMMISSION

Date: _____

7:30 P.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ALEXANDRIA CITY COUNCIL

Date: _____

9:30 A.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ISSUE DESCRIPTION: _____

PROPERTY ADDRESS: _____

TAX MAP REFERENCE: _____

As a citizen and party in interest, you are invited to attend these meetings and express your views concerning the above issue.

If you have any questions regarding the request you may call at _____.

Sincerely yours,
